

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DOUG ESSIG and JOYCE McCORT,

Plaintiffs,

vs.

Case 1:21-cv-00782

BERRIEN COUNTY, CITY OF  
BRIDGMAN, DANIEL UNRUH,  
ROBERT CLEVELAND, TIFFANY  
PETERSON and LANCE SWEET,

HON. ROBERT J. JONKER

Defendants.

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Robert Cleveland  
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**STIPULATION OF DISMISSAL OF CERTAIN COUNTS WITH PREJUDICE**

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Plaintiffs filed their First Amended Complaint on January 10, 2022. (ECF No. 16). Plaintiffs agreed to dismiss certain defendants from certain counts per agreement of all parties.

**IT IS HEREBY STIPULATED** by and between the respective parties that, pursuant to Fed. R. Civ. P. 41(a)(1), Counts I and II against Defendant Unruh only (and continue against Defendant Cleveland only), Count III against Defendant Cleveland only (and continues against Unruh and Peterson), Counts IV and V in their entirety, and Count VI and Count VIII against Defendant City of Bridgman only (and continue against Berrien County), are hereby **DISMISSED WITH PREJUDICE** for all purposes, with each party to bear its own costs. The case continues as to all other remaining Counts.

**SIGNED** and **ENTERED** this 5th day of May, 2023.

/s/ Robert J. Jonker  
\_\_\_\_\_  
HONORABLE ROBERT J. JONKER  
UNITED STATES DISTRICT COURT JUDGE

**STIPULATED AND AGREED:**

/s/ Charles E. Dunn (w/permission-see attached)  
Charles E. Dunn (P54791)  
Charles E. Dunn, PLC  
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/s/ Meigs M. Day (w/permission-see attached)  
Meigs M. Day (P36929)  
Cummings, McClorey, Davis & Acho  
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[mday@cmda-law.com](mailto:mday@cmda-law.com)

/s/ James T. McGovern

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Attorneys for Bridgman Defendants City of Bridgman,

Daniel Unruh, and Robert Cleveland

1014 Main Street, P.O. Box 318

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(269) 982-1600

[jmcgovern@lawssa.com](mailto:jmcgovern@lawssa.com)

**From:** Meigs M. Day  
**To:** James T. McGovern; charlesedunnplc@gmail.com; Celeste Dunn  
**Cc:** Kristen Rewa; Wendy Hayes  
**Subject:** FW: Essig & McCort v Berrien Co, et al; Our File No. 235.43284  
**Date:** Friday, April 28, 2023 9:26:11 AM  
**Attachments:** Stipulation - Dismissal of Certain Claims Against Bridgman Defendants-4.28.23.DOCX

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James,

You have permission to “sign ” my name to the stipulation and submit the proposed Order. Thanks,

Meigs M. Day  
Cummings, McClorey, Davis & Acho, PLC  
[mday@cmda-law.com](mailto:mday@cmda-law.com)

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**From:** James T. McGovern <jmcgovern@lawssa.com>  
**Sent:** Friday, April 28, 2023 8:49 AM  
**To:** Charles Dunn <charlesedunnplc@gmail.com>  
**Cc:** Celeste Dunn <celestemdunnplc@gmail.com>; Meigs M. Day <mday@cmda-law.com>  
**Subject:** RE: Essig & McCort v Berrien Co, et al; Our File No. 235.43284

Mr. Dunn and Mr. Day – see the proposed Stip. Dismissal. If it is approved then please email me so we can e-sign and attached your permission. Otherwise, let me know if any part is incorrect or in need of edits.

The surviving claims in the First Amended Complaint will be:

- Cleveland as to Count I and Count II
- Unruh and Peterson as to Count III
- Sweet as to Count VII
- Berrien as to the Monell in Count VI and Count VIII
- Count IX

James T. McGovern, Esq.  
Straub, Seaman & Allen, P.C.

1014 Main Street, St. Joseph, MI 49085  
Direct: 269-982-7728  
Cell: 773-580-0559

**From:** Charles Dunn <[charlesedunnplc@gmail.com](mailto:charlesedunnplc@gmail.com)>  
**Sent:** Friday, April 28, 2023 6:56 AM  
**To:** James T. McGovern <[jmcgovern@lawssa.com](mailto:jmcgovern@lawssa.com)>  
**Cc:** Celeste Dunn <[celestemdunnplc@gmail.com](mailto:celestemdunnplc@gmail.com)>  
**Subject:** Re: Essig & McCort v Berrien Co, et al; Our File No. 235.43284

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Mr. McGovern, following up our conversation yesterday, Plaintiffs agree to your request as set forth in your letter dated March 28, 2023 with the exception of Count III (Unlawful Seizure of the dog). Specifically, as to Count III, Plaintiffs agree to dismiss Count III as to officer Cleveland only. Count III (unlawful seizure of the dog) as to Chief Unruh is NOT dismissed. Just for clarity, Count I (unlawful entry) and Count II (excessive force) as to officer Cleveland are NOT dismissed. Also, to be clear, the claims against Berrien County or the individual Berrien County defendants remain.

Please prepare a stipulation of dismissal as to the applicable claims for our review.

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248.807.6284

On Apr 19, 2023, at 9:53 AM, James T. McGovern <[jmcgovern@lawssa.com](mailto:jmcgovern@lawssa.com)> wrote:

Mr. and Mrs. Dunn – our MSJ is due 5/3/23. Please let me know if you have a response to the letter that we sent last month. Our hope is to avoid unnecessary briefing on issues/claims that you will not be taking to the jury. Please let us know as soon as possible as we are in the process of drafting our brief.

James T. McGovern, Esq.  
Straub, Seaman & Allen, P.C.  
1014 Main Street, St. Joseph, MI 49085  
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**From:** Denise A. VanHoven <[dvanhoven@lawssa.com](mailto:dvanhoven@lawssa.com)>  
**Sent:** Tuesday, March 28, 2023 11:57 AM  
**To:** Celeste Dunn <[celestemdunnplc@gmail.com](mailto:celestemdunnplc@gmail.com)>; Charles Dunn <[charlesedunnplc@gmail.com](mailto:charlesedunnplc@gmail.com)>; Meigs M. Day <[mday@cnda-law.com](mailto:mday@cnda-law.com)>  
**Cc:** James T. McGovern <[jmcgovern@lawssa.com](mailto:jmcgovern@lawssa.com)>; Beverly Wade <[bwade@lawssa.com](mailto:bwade@lawssa.com)>; James G. Semonin <[jsemonin@lawssa.com](mailto:jsemonin@lawssa.com)>  
**Subject:** Essig & McCort v Berrien Co, et al; Our File No. 235.43284

Please see attached correspondence.

*Denise A. Van Hoven*

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<image001.jpg>

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<Pltf #15 - 7.1(d) Request to Plaintiffs to Dismiss Claims  
(01169756x7A44A).pdf>

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**From:** Charles Dunn  
**To:** James T. McGovern  
**Cc:** Meigs M. Day; Celeste Dunn  
**Subject:** Essig Litigation  
**Date:** Saturday, April 29, 2023 11:09:05 AM  
**Attachments:** Stipulation - Dismissal of Certain Claims Against Bridgman Defendants-4.28.23.DOCX  
ATT00001.htm

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Mr. McGovern, I am authorizing you to sign (e-sign) my name to the attached Stipulation of Dismissal. Please date the Stipulation with the correct date of filing.  
Thanks.